

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1, 5-7, 9-12, and 15-23 were pending in the application, of which Claims 1, 10, and 16 are independent. In the Final Office Action dated April 6, 2006, Claims 1, 5-7, 9-12, and 15-23 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1, 5-7, 9-12, and 15-23 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

Applicants thank Examiner Le for the courtesy of a telephone interview on July 26, 2006, requested by the undersigned to discuss the rejection of the current claims under 35 U.S.C. § 103. During the interview, Applicant highlighted that U.S. Patent No. 6,633,633 ("*Bedingfield*") and the present application were, at the time the invention was made, subject to an obligation of assignment to the same entity and expressed their desire to further prosecution. The Examiner indicated that Applicant's arguments appear valid and would necessitate further searching of the art. The Examiner also indicated that she would remove finality of the current Office Action. No agreement was made regarding rejected claim patentability.

I. **Rejection of the Claims Under 35 U.S.C. § 103(a)**

In the Final Office Action dated November 2, 2005, the Examiner rejected Claims 1, 5-7, 9-13, and 15-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,415,019 ("*Savaglio*") in view of U.S. Patent No. 6,480,592 ("*Urban*") further in view of U.S. Patent No. 6,697,783 ("*Brickman*") and further in view of U.S. Patent No.

6,671,272 ("*Vaziri*") and further in view of U.S. Patent No. 6,633,633 ("*Bedingfield*").

Applicant respectfully traverses this rejection.

*Bedingfield* qualifies as potential prior art only under 35 U.S.C. §102(e). In addition, the subject matter of *Bedingfield* and the presently claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same entity: BELLSOUTH INTELLECTUEL PROPERTY CORPORATION. The assignment of *Bedingfield* was recorded in the USPTO on March 3, 2000, on Reel 010714, Frame 0496. The assignment of the present case was recorded in the USPTO on April 24, 2002, on Reel 012829, Frame 0091. Accordingly, 35 U.S.C. §103(c) applies, thus the rejection of Claims 1, 5-7, 9-13, and 15-23 under 35 U.S.C. § 103(a) is rendered moot. Applicant respectfully request withdrawal of this rejection of Claims 1, 5-7, 9-13, and 15-23.

## II. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that the claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In view of the foregoing, Applicant respectfully submits that the pending claims are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims

may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

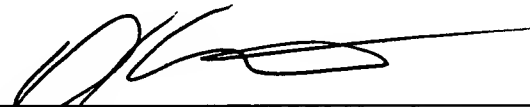
Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.

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